



Planning and Development Acts 2000 to 2018

Planning Authority: Galway City Council

Planning Register Reference Number: 18/144

Appeal by Michael Prendergast of 'Lia Fail', Cappagh Road, Galway against the decision made on the 29th day of November, 2018 by Galway City Council to grant subject to conditions a permission to Declan Taite and Anne O'Dwyer (joint receivers over certain assets of the Model Investment Partnership (In receivership) care of O'Neill O'Malley Limited of Technology House, Galway Technology Park, Parkmore, Galway in accordance with plans and particulars lodged with the said Council.

Proposed Development: A development of: (A) Demolition of two number derelict houses. (B) Provision of two blocks of duplexes split over one and two storeys. Duplex Block Number 1 will consist of eight number units. This will be made up of four number two-bedroom apartments and four number one-bedroom apartments with integrated bin store. Duplex Block Number 2 will consist of six number units. This will be made up of three number two-bedroom apartments and three number one-bedroom apartments with integrated bin store. (C) Provision of surface parking for duplexes. (D) Provision of new entrance onto the public road, access road, along with all ancillary site works and services at Lenabower Townland, Cappagh Road,

Galway. Further public notices were received by the planning authority on the 2nd day of November, 2018.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the residential zoning objective relating to the site, the Sustainable Urban Housing : Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018 and the Project Ireland 2040/National Planning Framework, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 13th day of August, 2018, the 18th day of October, 2018 and the 2nd day of November, 2018 and with the plans and particulars received by An Bord Pleanála on the 30th day of January, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all external finishes to the proposed residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: in the interest of public health.

4. Prior to commencement of development, design details of the finishes for all hard surfaces including the home zone area for the residential development shall be submitted to, and agreed in writing with, the planning authority.

Reason: To protect the visual amenities of the area.

5. The internal road serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

6. 21 number car parking spaces shall be provided within the site, the location and layout of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure adequate off-street car parking provision is available to serve the proposed development.

7. Public lighting shall be provided in accordance with a scheme which shall include lighting along pedestrian routes and through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. Proposals for an appropriate name for the residential development together with a unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and unit numbers shall be provided in accordance with the agreed scheme. No advertisement/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. Details of the finish of the stone facing for the treatment of boundaries shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall submit a sample brochure indicating same.

Reason: In the interests of residential amenity and the proper planning and sustainable development of the area.

11. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled and seeded and landscaped in accordance with the landscape scheme submitted to the planning authority on the 18th day of October, 2018. This work shall be completed before any of the residential units are made available for occupation and shall be maintained as public open space by the developer.

Reason: In order to ensure the satisfactory development of public open areas and their continued use for this purpose.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0900 hours and 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

13. The developer shall apply for and be issued with a road opening licence from Galway City Council prior to commencement of any works on the public footpath. A drop kerb shall be provided to the footpath for the full width of the proposed vehicular entrance. The footpath shall be reconstructed at the vehicular entrance with material to match the existing footpath.

Reason: In the interest of the proper planning and sustainable development of the area and traffic safety.

14. Any alterations to public services, public areas or utilities necessitated by the development shall be carried out at the developer's expense having firstly obtained the written agreement of the planning authority or any other public body responsible for such utilities before any such alterations are carried out.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

15. All works shall be carried out in accordance with the requirements for "Site Development Works for Housing Areas" as issued by the Department of the Environment, Heritage and Local Government (1998), unless required otherwise by Galway City Council in which case Galway City Council standards shall apply.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

16. Details of the layout, design and configuration of the junction of the access road with the public road shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic and public safety.

17. The car parking spaces provided within the development shall be reserved for the exclusive use of the residential occupiers or visitors to the residential units of the development.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

18. The developer shall be responsible for installing and maintaining to a satisfactory standard, a vehicular wheel wash facility on-site during the construction phase of the development.

Reason: To prevent any dirt being transferred onto the public roadways arising from the construction phase.

19. All retaining walls shall be designed and their construction be supervised and certified by a suitably qualified bonded structural engineer. A structural certificate shall be forwarded to the planning authority.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Details of the number, layout and marking demarcation of bicycle parking spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

22. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures.

Reason: In the interests of public safety and residential amenity.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

24. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

25. The developer shall enter into water and wastewater connection agreements with Irish Water prior to commencement of development.

Reason: In the interest of orderly development.

26. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

28. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Terry Ó Niadh

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.